

PLANNING AND ZONING COMMISSION
Wednesday, July 1, 2009 – MINUTES – Special Meeting

Call to Order: Time In: 6:08 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a special meeting and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Knowlton, Dr. Konold, Mr. Vasko and Mr. Wynkoop. Mr. Vasko made a motion to excuse Ms. Solomon and Mr. Graber. Mr. Knowlton seconded the motion the motion passed unanimously. Also present; Mike Ebert, Mayor, Allan Neimayer, Planning and Zoning Administrator, Chris Strayer, Development Director and Brian Zetts with Wiles, Boyle, Burkholder and Bringardner, representing the Village Solicitor

Mr. Neimayer introduced Mr. Zetts and explained that Mayor Ebert requested this meeting to go over the application review process established in the Zoning Code.

Section 1139.02 (D) talks about meetings and the vote of each member on each issue. After discussion it was noted that roll call should be taken at each vote and not verbally all at once.

If denying an application, then a reason or conclusions must be given. If an application is forwarded onto Council, they need to know why the Planning and Zoning Commission voted against an application. There was a discussion about how to do that since most times until everyone has voted, it is not know if it is being voted down. The idea of going into executive session after a denial so the Commission can come back with a collective reason for the denial. Mr. Zetts said that the reason does not have to come out that night. Mr. Vasko asked how, without going into executive session, to come together to figure out the collective reason. Mr. Vasko asked if a finding of facts conclusion need to be done so that the decision will not be made and voted on until the following months meeting. Mr. Wynkoop stated that it would be best to go into executive session at the end of the meeting.

There was more discussion about when the findings need to be completed. Mr. Christensen suggested to keep running the meetings the same and if there is an application that is turned down during that meeting then they can decide to go into executive session at that meeting after voting so the application is then off the agenda. Mr. Zetts stated that will not work because they would not have a specific date for appeal purposes.

Mr. Neimayer brought up that Mr. Zetts said that the application did not have to be tabled; he believes the record has to state something so it is not just out there. Mr. Zetts stated that they can table an application "to take under advisement and the commission will issue a decision in 35 days."

Mr. Vasko asked if comments made during a vote are part of the record. For example stating you are voting no because of one, two and three. Mr. Zetts stated yes it is part of the record and will work for getting reasons to Council for a denial.

There was a discussion about following the code or what they think is correct. Mr. Zetts stated the code has to be followed even if things are not liked. A vote cannot be based on opinion or emotion but must be based on facts.

The decision was made if an item is approved then the meeting will be held as is. If it is a denial and the reason is not obvious then a findings of fact needs to be done in executive session. The reason to state going into executive session should be "to discuss the legal ramifications of this issue." Mr. Zetts stated that he would get back to them as for the proper wording that needs to be stated for the record.

All items will be gone through and then executive session after all items are reviewed. Mr. Neimayer stated that the rules will have to be looked at because they have a structure of the meeting that is to be done. They can list on the agenda "if there is any reason to go into executive session."

Adjournment

Mr. Wynkoop made a motion to adjourn this special meeting of the Planning and Zoning Commission. Dr. Konold seconded the motion. The motion passed 4 – 0 – 1, with Dr. Konold voting abstain.

Time Out: 7:31 p.m.

Date _____

Bill Christensen, Chairman

Jim Wynkoop, Acting Secretary

NOTE: The minutes set forth herein are an extract of the Planning and Zoning Commission meeting. Anyone desiring a transcript of the complete minutes of the Planning and Zoning Commission meeting may obtain the same at a cost of \$10.00 per page.